*Previous references.*

rules relating to cutting & removal of date leaves Nos 1 & 2 1910-11

14552 - Leg 1538 - 1.5.11 ( S.R. )

*Later references.*

S.R. 134-1595 1, 19, 283,
" B. Septr 16.
S.R. 8-10-(1-4)

**File No.** 8-10

**Serial Nos.** 1-4.

(410)

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1-4

**Part B. for** August 1911.

SUBJECT.

Restrictions to be placed on the indiscriminate cutting and removal of leaves from date trees on Govt lands.

1. From the Excise Comr.
No. 213 dt. 5-7-10.
Requests orders regarding a circular proposed by him in the matter of indiscriminate cutting of date leaves as at present a uniform procedure is not adopted by the prosecution and as there is a difference of opinion on the interpretation of the rules framed under G.O. Nos 14550/Leg 1038 dt. 1.5.09.

2. To the Excise Comr, Conservator of Forests, Rev. Comr, Deputy Comrs of Ds. No. 2. 869-79 dt. 25.8.11.
G. R. S. 58
States that for reasons explained there is no necessity for the issue of the circular proposed by the Excise Comr.

P.T.O.

C. 3.
3. 7. 1911.

G.R.S. 11] 1910-11

GENERAL AND REVENUE SECRETARIAT.

( S. R. )

NOTES.

File No. 8-10

FILE HEADING.

Offences relating to Dale leaves cutting.

From

The Excise Commr in Mysore

No. 213 Dated 5/7/10 Received 6/7/10

Diary No. 59 Enclos. 5 Spare Copies — Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests orders regarding a circular proposed by him in the matter of indiscriminate cutting of Dale leaves as at present a uniform procedure is not adopted by the prosecution and as there is a difference of opinion on the ~~interpretation~~ interpretation of the rules framed under G.O. no: 14530/Legis 103 & the 1/5/1901.

NOTES AND ORDERS.

1. The Excise Commr has taken the opinions of the Dt Magistrate of the Sessions Judge of the Tumkur Dt and the Govt Advocate regarding the offences under Notfn no: 14530/Legis 103 & the 1/5/1901. The Govt Advocate is of opinion that the

3rd encls: will papers under disposal

NOTES—First sheet

GPB—15,000—24-4-09.

G. R. S. 12 ]
General and Revenue Secretariat.

SR File No. 8 of 1960-1

Serial No.

avoid uncertainty a general prohibition to the effect that no person shall cut date leaves except under a license obtained according to rules should be added to the notfn of 1501. He also thinks that the Dt Magistrate is partly right in stating that cases of date leaf cutting by the Khan licensees must be proceeded with under Sec 379 or 426 I.P.C.

2nd endorsable paper under disposal.

2. The Excise Commr thinks that the omission of the words "before a Magistrate" after the word "Conviction" in rule XII of the notfn of 1501 is significant and that cases may be taken by the Deputy Commissioner departmentally. The circular proposed by him is in accordance with this view.

3. The notfn of 1907 was issued by the legislative Dept and the file relating thereto is put up. If the notfn is amended according to the opinion of the Govt Advocate the circular proposed by the Excise Commr has to be altered.

V

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

GR File No. 8 of 1910-1

Serial No.

As the rules stand at present a circular to make the interpretation clear ~~by the Legislature passed~~ appears necessary.

This is perhaps a departmental circular

4. It is not clear to what circular the Dt. Magistrate refers as no: 5 of 12-1-1901 or any amendment is necessary as suggested by the Govt Advocate. Rule for orders. May Branches III & I be consulted?

MS
83.
15/2/11.

15/2/11

Read 15th Feb 11
4.40 pm

15/2/11

5 Some restrictions on the indiscriminate cutting of the leaves of dalletus seem to be necessary and the rules of May 1901 may be amended as proposed by the Govt Advocate. No further procedure is necessary to authorise the Forest Officers to compound such offences. vide Sec 5 of the Forest Regn.

6. By what the Excise Commr means is that all breaches of the rules referred to above should be disposed of departmentally as opposed to a judicial trial if

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

S. R File No. 8 of 1910

Serial No.

is to be feared that this is neither Expedient nor possible. The Forest Regn confers no power in this behalf on the Govt and in spite of the omission of the words "before a Magistrate" which the Excise Commr regards as "very significant", (literally) disposal of the Cases is possible only after a proper trial before a Magistrate.

7. To be informed if remarks if any

16/2/4 Sd

8 Any circular issued by the Excise Commr for the guidance of Excise officers cannot have the force of law. Except as a Magistrate, the Deputy Commr cannot deal with the case of cutting date trees without a license. Under section 78 of the Forest Regulation any person breaking any rule under the said Regulation for the breach of which no special penalty is provided shall

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

File No. 8 of 1910-1

Serial No.

shall be liable on conviction to imprisonment for a term which may extend to one month or fine which may extend to Rs 200/- or both. Rule 12 of notification No 14550 dated the 1st May 1901, read with Sec 78 aforesaid, leads one to infer that conviction can only be by a Magistrate. To try offences under the Forest Regn Magistrate are to be specially empowered.

9 From the papers in the file of the Legislative Deptt, it is noted that the draft rules submitted by the Conservator of Forests and the Excise Commr in this connection contained the words "to the before a Magistrate after conviction". This appears to have been intentionally omitted in the final copy of the rules sanctioned by Govt as unnecessary. Sec'd CS 10. Regarding the proposed amendment 17-2-11. Judicial Branch may be consulted

RK
18/2/11

11. An addition to the Rules providing for a general prohibition against cutting date leaves except under a license, may be made as suggested by the Govt Advocate

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

S.R. File No. 8 of 1910

Serial No. (D)

R.M. 87

12 The conviction resp. to ii rule XII can only be after regular trial before a Magte. There can be no departmental disposal by the Dr Court, as suggested in the Excise Commr's proposed Circular.

Do Br III S.R. 20/2/11

13 Subd for orders.

20/2/11. 83.

22/2/11

See 14 Please submit a draft adding a general rule about prohibiting the cutting of date leaves. I suppose these offences can be compounded by Forest officers or placed before Magte. This may be pointed out to Ex. Comr

22/2/11

22/2/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

SR File No. 8 of 1910

Serial No.

15 A draft is put up.

16 When a general prohibition as the one now proposed is introduced, it is necessary that licenses in the form prescribed will have to be obtained under rules IX & X as well. Under rule IX no fee is levied to take dry dale leaves & dead wood. But in rule X nothing is ~~stated~~ mentioned about the fee. Perhaps the license has to be taken free of charge in both cases.

Yes. No fee is to be presumed unless it is specially laid down

17 In rule VI certain conditions are mentioned relating to licenses taken under rules II & III. It is not clear if those conditions are to be applicable to licenses obtained under rules IX & X. If they are applicable, then rule VI has perhaps to come between rules X & XI.

~~We do~~ The new rule enacts a general prohibition under the Rules and does not contemplate any relaxation to the kind of licenses already fixed by the rules. So the question raised in the note does not arise.

(Such clarification about fees)

18 A notification containing the modifications is not put up as some doubts were entertained on the points noted above

Submitted for orders. 19 (1) Vide remarks on the margin

Mr 83 1/3/11. mk 5.

20 (2) Please make a fair

7/3/11 Sd

NOTE – Contn. sheet.

mk 2/3/11

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

SR File No. 8 of 1910

Serial No.

Copy of the draft ordinance revised and put up a draft notification

7/3/11. SR

No. 91.
Four drafts submitted.
M 53.
8/3/11 (Secretary).

13.3.11

and 8/3/11

22: 1st Cr of Dewan

13/3/11

22

2-370
16.3.11

may be approved. I would empower District Excise Officers to Compound such cases, as District Forest Officers have generally no interest or concern in the preservation of date trees on Govt lands.

16/3/11

24 Before submitting the file to Dewan Bahadur will please note whether the suggestion above can be given effect to. Reading Sec 2 (1) & 59 of the Forest Regn

NOTE— Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

File No. 8 of 1910

Serial No.

post may perhaps declare Dt Excise officers to be Forest officers in respect for the purpose of £59 & in respect of date trees.

25
Dr Mr III for kind consideration
17/3/11

Three/56
17/3/11

Mis 113
17/3/11

Subd
SW
18/3/11 - 26 It would appear to be quite legal to declare Dt Excise Officers to be Forest Officers, as defined in Sec 2 of the Act, for the purpose of discharging the functions of Forest Offrs under Sec 59. But it is respectfully submitted that the expediency of doing this is not quite clear. The Rules of 1st May 1901, are intended to regulate the cutting & removal of leaves from date trees and to conserve, by other means also, the toddy yielding trees. But the Excise Officers have no functions under these rules, which are worked by the Revenue or Forest Officers. It may not therefore be considered necessary to give powers to Excise Officers under these rules solely with regard to Compounding Offences.

It is Excise officers who are specially interested in prevention of offences such frequently impact date groves etc.
CBS
25/4

(Secretary)
21.3.11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

SR File No. 8 of 1960

Serial No.

27 Instead of Dt Excise officers, the Taluk amildars, who are the officers who issue license under the rules, may perhaps be empowered to compound the offences in question.

28 The amildar as magistrate will also have the power to try such cases, if they are ~~to be tried~~ not compounded.

29 If this combination of the powers of compounding of trying as is not considered desirable, there seems to be no serious objection to invest the Dt Excise officers with the power of compounding the offences. Though Excise officers have not been specifically referred to in the rules it is they that are interested in the prevention of offences and have facilities to detect offences ~~but~~ during their inspection of date groves in the course of their regular duties. etc. As a matter of fact as reported by the Excise Commissioner the cases are now being detected & placed before courts by Excise officers & not by revenue & forest officers.

CBB

Dewan

30 It seems to me that ~~it should~~ the Dt Excise

25/4/11

25/4/11

1/2/69

NOTE.—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

GR File No. 8 of 1910

Serial No.

Where the Accountant should be authorised to be empowered & compound the offence under discussion

31. Mear circulated to 2nd Counsellor & Brig up at Council Meeting

Recey

29/June

C.11. 32 Circulate & note for meeting

What provn of the Ft Act empowers these Rules?

Compounding can be done only by a Ft. Offr. S-59

CSS 4-7-11

Seen - 4/7/11

SB 1/7/11

33. Sec 59 of the Forest Regn says that it is only a "Forest officer" that can be invested with the power of Compounding offences, So that it is necessary that the offrs must have been a 'forest offrs' as defined by Sec 2 of the Regn before he could be invested with the Special powers referred to above. To define for the purposes of Sec 59, the District Excise offrs

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12 ]
General and Revenue Secretariat.

File No. 8 of 19[illegible]

Serial No.

as an officer invested with the power of Compounding offences" would be to move in a circle and such a definition would perhaps also be legally invalid.

34. It is therefore suggested that the District Excise officer may be invested with some other appropriate function under the Forest Regulation or any rule framed thereunder. This will make him a 'Forest officer' under Sec 2 of the Regn and he can at once be invested with the power of Compounding offences.

35. This suggestion, if approved, can be given effect to by adding the words "or the District Excise officer" after the word 'Amildar' in para 4 of the rules under Consideration. It will be noted that it is not inappropriate that the District Excise officer should be among the officers authorised to issue licences for the cutting of date trees. In fact the rules contemplate the appointment of some other officer, for this purpose by the Deputy Comsr. It will be seen that the suggested alteration in para IV of the rules does not oust the jurisdiction of the Amildar to issue licences under para II &

NOTE—Contn. sheet.

GPB—55,000—27.4.09

G. R. S. 12.]
General and Revenue Secretariat.

File No. 8 of 1910

Serial No

As the rules under reference have apparently been issued under Sec 35 of the Forest Regn, the District Excise Officer as the officer authorised to perform one of the functions laid down by those rules, will be a Forest Officer within the meaning of Sec 2(1).

2. The next thing to be done is to issue a Notification under Sec 5 of Regn empowering the District Excise Officers to Compound offences. a draft has been put up for approval [Three drafts in the file for approval]

14/7/11.

Sec'y).

Further note.

Consequent on the general prohibition contained in the draft Rule 14, Clause (c) of rule 11 becomes unnecessary and has to be deleted.

15/7/11.

Sec'y).

Draft notes are put up as directed at the Council meeting

Dewan Bahadur (1st & 2nd Cls) 19/7/11

22/7/11

19/7/11

NOTE—Contn. sheet.

GPB—55,000—27.4.09

G. R. S. 12 ]
General and Revenue Secretariat.

File No. 8 of 1910

(4)

Serial No.

The Dist Excise Officer may be declared & notified as the Officer appointed under sec 2(1) Mysore Forest Regulations to discharge the functions of a Forest Officer under Sec 5 G in respect of Compounding offences falling under the rules published with Notification of 12th May 1907.

Otherwise the Draft seem all right

KBN
20/7/11

Please see para 35 of the note. By his inclusion in the rule as empowered to grant licenses the D.E.O becomes a Forest Officer within the definition

MN
20/7/11

Yes

MN
22/7/11

Dewan

MN
25/7/11

127 3 1

26.7.11

NOTE—Contn. sheet.

GPB—35,000—27-4-09

S.R.S-10 (15)

*Submitted to His Highness.*

These papers relate to the restrictions to be placed on the indiscriminate cutting and removal of leaves from date trees on Government lands. Notification No.14550/Legis.103 dated the 1st May 1901 lays down the rules to regulate such cases; but the Excise Commissioner represents that on account of various interpretations, offences against these rules are allowed to go unpunished.

2. It is pointed out that owing to the absence in the rules of a general prohibition that no person shall cut date leaves except under a license, cases of such cutting without a license are considered to be outside the scope of the rules referred to, having to be proceeded with only under the Indian Penal Code. The Government Advocate who was consulted in the matter has suggested that to avoid all uncertainity and doubt, a general prohibition as stated above may be inserted in the said Notification so as to make both kinds of offences punishable under Rule XII thereof.

S/12 8-10 (16

3. The question of prohibiting the cutting of date leaves except under a license as well as the proposal made by the First Councillor to empower District Excise Officers to compound offences relating to the indiscriminate cutting of date leaves were considered in Council and its opinion is embodied in the accompanying extract from its Proceedings. The three drafts put up may accordingly be approved.

Drfts for approval

be

P. Bhandari
12 Aug 11

HV

SMS-CO

(17)

Extract from the Proceedings of the 266 Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 6th & 7th July 1911.

17. Subject. -

Question of prohibiting the cutting of date leaves except under a license, and of empowering the District Excise officers to compound offences relating to the indiscriminate cutting of date leaves.

OPINION OF THE COUNCIL.

The drafts may be approved.

Sd/- T. Ananda Row.
Dewan of Mysore

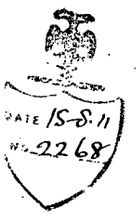
"Extract"

V Balasundaram
Offg. Secretary to Govt.

659 / 8M8-10 (68)

Record of Cases submitted for the Orders of His Highness the Maharaja

*Subject.*




Restrictions to be placed on the indiscriminate cutting and removal of leaves from date trees on Government lands.

129

*Order.*

Approved
K.R.W
17/8/11

Dewan's order
—
To Secy. Issue
KY
19/8/11
—

Issue
MR
21/8/11
SA
22/8/11

KRM
21/8/11

21/8

(9

G. R. S. 12 ]
General and Revenue Secretariat.

SK File No. 8 of 1910

Serial No.

The drafts will issue in the order noted on them - Serial nos are also marked accordingly - After issue the files will be sent to Br I and III for information -

Bee 50
25/8/11

(20 despatches)

to Br I for favour of note & return.

Bee 50
4-9-11

Noted

15/9

Yes 15/9

to Br II (58) & returned to Br II
19/9/11

SN
15/9

To The Excise com
" Conservator of Forests
" Collector
" Rev Com in Mysore
" Dy Com of D's

No. 7E 869-79 dt 25-8-1911

States that for reasons explained there

NOTE— Contn. sheet.

GPB—50,000—12-8-10

| Serial No. | |
|---|---|
| | is no necessity for the issue of the circular proposed by the Excise Com^r |
| 3 | To the Compiler, Mysore Gazette<br>No. 7E 880 d. 25-8-11 |
| Mysore Gazette Part III Page 339 d. 31-8-11 | Notifies certain additions & amendments to the rules re date leaf cutting |
| 4 | To the Compiler, Mysore Gazette<br>No. 7E 883 d. 25-8-11 |
| Part III Page 341 d. 31-8-11 | Invests the District Excise Officers in the State with power to compound offences under Sec 59 of the Mysore Forest Regulation |
| | To the Excise Com^r, No 7E 884 d. 25-8-11<br>" Conservator of Forests " 885 d. 25-8-11<br>Forwards copies of the above |

NOTE—Contn. sheet.

S.R. 8-16 XW

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE,

No 213
2/16

*Bangalore, dated*.....1st...July.....1910.

From

H.H. Sparkes Esquire,

*Excise Commissioner in Mysore.*

To

C.S. Balasundram Iyer Esquire. B.A.,

*Secretary to the Government of*
*His Highness the Maharaja of Mysore.*
*General and Revenue Departments.*

SIR,

In forwarding herewith copies of the marginally noted correspondence. I have the honor to state that in many parts of the Province the paucity of date trees for the manufacture of toddy is greatly felt, It is of the utmost importance that in the interests of toddy revenue, the conservation of date groves should be strictly enforced. Such conservation is impossible if date trees are indiscriminately denuded of their leaves. No. doubt the rules framed under Government notification No.14550-Legis 103, dated the 1st May 1901, are intended to guard against such cut ting. But various interpretations are put upon them and the offences go unpunished:

1. G.N.No.14550-Legis.103, dated 1-5-01.
2. Copy of extract from the Proceedings of the Dist. Magistrate of Tumkur dated 15-9-08.
3. Copy of This office No. 10267, dated 30-5 10 to the the Govt. Advocate.
4. Copy of letter No.182, dated 6-6-10 from the Govt. Advocate.
5. A draft Cir: Memo. enforcing uniformity of practice in dealing with cases of date leaf cutting.

059

19 .

From

H. H. Sparkes Esquire,
*Excise Commissioner in Mysore.*

To

C. S. Balasundaram Iyer Esq. B.A.
Offg. *Secretary to the Government of*
*H. H. the Maharaja of Mysore,*
*Genl. and Rev. Depts.*

Dated 5th July 1910.

Despatched

Received

General No. 213

Enclosure No. 5

SUBJECT.

Requesting early orders in the matter of proposing to issue certain Circular with a view to enforcement uniformity of practice in dealing with cases of date leaf cutting.

GPB—2,000—31-7-09

2

2. I would therefore invite your kind attention to the proposed amendment of the said rules by the Government Advocate and as these rules are made under the Mysore Forest Regulation, I would suggest that they may be so altered as to include a departmental disposal of cases under them by the Deputy Commissioner if the intention of the Legislature is not to include such under rule XII in its present form.

3. I need not say that the preservation of date trees in their healthy state conduces much to the Excise revenue and as such, is a great concern with the Excise Department. Cases of date leaf cutting are generally taken up by Excise officers, but the procedure followed by them in dealing with such cases, is not uniform. I would therefore propose to issue the enclosed Circular with such modifications as the Government may be pleased to make.

4. Early orders are requested.

I have the honor to be,

Sir,

Your most obedient servant

H. H. Sparkes

Excise Commissioner in Mysore.

S.R. 8-10 & 1 (4)

Extract from the Proceedings of the District Magistrate of Tumkur.

Dated 15-9-08.

Read Calendar ~~of~~ copy of judgment in c. c. No. 36 of 08-09 on the file of the Munsiff magistrate, Maddagiri, convicting the accused for an offence under G.N. No. 14550-Legis.103, dated 1-5-01 and sentencing them to pay a fine annas two each.

O R D E R.

The above quoted notification does not apply to cases of date leaf cutting without a license. It applies only to cases where the terms of a license already granted are violated.

Cases of date leaf cutting by other than licensees must be proceeded under Section 379 or 426 I.P.C. as laid down in Cir: No. 5 of 12-1-01.

X X X X X

Sd/ K. Dorasawmi Iyer,
District Magistrate.

No. 130.

Extract forwarded to the Excise Inspector Maddagiri Range for his information and for his guidance in preparing charge sheets in future.

Sd/ SreenivasaRaghavachar
Munsiff Magistrate, Maddagiri.

"COPY"

Excise Commissioner in Mysore.

S-R-8-10 SR 1

Office of the Excise Commissioner

in Mysore

No.10267.En: 2.

Bangalore, dated 28th May/2nd June/10

From

The Excise Commissioner

in Mysore.

To

The Government Advocate

Bangalore.

Sir,

In forwarding herewith copy of extract from the proceedings of the District Magistrate of Tumkur dated 15-9-08 and a copy of the notification referred to therein, I have the honor to request to be informed whether rule XII is not explicit to apply to cases of date-leaf cutting without a license and by whom the fine ordered therein may be imposed.

I have &c.,

Sd/ H.H.Sparkes

Excise Commissioner.

"COPY"

H.H.Sparkes

Excise Commissioner in Mysore.

S.R. 8-10
S.R.

No.182.

Office of the Government Advocate
in Mysore,
Bangalore dated 6th June 1910.

From

The Government Advocate in Mysore
Bangalore.

To

The Excise Commissioner in Mysore
Bangalore.

Sir,

In reply to your letter No.10267, dated 30th May 1910, I have the honour to state as follows:-

1. In the Notification of 1st May 1901, there is no general prohibition to the effect that no person shall cut date leaves except under a license obtained in accordance with the rules therein laid down. The ristriction in rule II (c) refers only to cutting of leaves for certain specified purposes and not to all other cases.

2. The observations of the District Magistrate in his proceedings dated 15th September 1908 are partially correct and seem to be inaccurate in respect of the breach of Rule II (c) of the Notification.

3. To avoid all uncertainty and doubts it is advisable to amend the said notification by inserting a general prohibition as suggested in para 1 above, a breach of which would become punishable under rule XII.

4. The fine for breach of any of the rules of the notification can only be inflicted on conviction by a Magistrate as in the case of other offences under the Forest Regulation.

I have &c.,

Sd/ Narayana Rao.

Government Advocate.

"Copy"

Excise Commissioner in Mysore.

S.R. 8-10 Sl. 1.

Office of the Excise Commissioner
in Mysore,
Bangalore, dated 1st July 1910.

# C I R C U L A R  M E M O R A N D U M.

With a view to enforce uniformity of practice in dealing with cases of cutting date leaves, the following instructions are issued

1. The offence of cutting date leaves from trees does not constitute an offence under the Excise Regulation, and consequently, such cases should not find a place amongst Excise Crimes, but must be shown separately.

2. The rules issued under Government Notification No.14550-Legis.103, dated the 1st May 1901, provide for dealing with cases of unauthorised cutting and removal of leaves from date trees and of dead trees and of dead date wood. The omission of "before a Magistrate" in rule XII of the aforesaid Notification is very signi-ficant and the Deputy Commissioner can deal with such cases deaprt-mentally. As the Notification applies to a particular subject, re-course need not be had to the Indian Penal Code. Excise Officers taking up such cases must report with the Mahazar to the Deputy Com-missioner for orders.

3. As regards the cutting of green date trees, no provision is made in this Notification. Such cases can either be regarded as mischief or theft, If a case of theft is made out, the case must be handed over to the Police for necessary investigation and prosecu-

7

prosecution. In the case of mischief, however, the procedure prescribed in the Criminal Procedure Code for lodging complaints before a Magistrate should be followed. The case will have to be proceeded with ~~an~~ in exactly the same way as a private person would have to do under similar circumstances.

H H Spoure

Excise Commissioner in Mysore.

To

The Deputy Commissioners of Districts
with spare copies for distribution.

Proceedings of the Govt of H.H. the Maharaja of Mysore.

Read:-

Letter No. 213 dated 5th July 1910 from the Excise Commissioner in Mysore proposing to issue a circular in the matter of the unauthorised cutting and removal of leaves of date trees on Govt lands and suggesting that the rules issued under Notification No. 14550/Legis.103 dated the 1st May 1901 may be so altered as to render such offences capable of being disposed of departmentally by ~~the officers of the Forest Department~~ the Deputy Commr Excise.

---

Order thereon:-No. H869-79 SR8-10-2

Dated Bangalore, 25 July 1911 Augt

1. Government consider that a general rule prohibiting the cutting and removal of leaves from date trees and of dead wood except under a license should be added to the rules issued under Notification No. 14550/Legis 103

dated 1st May 1901 and they direct that the following be inserted as rule I A :—

" I.A. No person shall cut or remove dead date wood or leaves from date - - trees except under a license obtained in accordance with the rules herein after laid down".

2. This amendment renders it unnecessary to retain Clasue (C) of Rule II which will therefore be deleted.

3. Govt also deem it necessary that the ~~necessary~~ authority to issue licenses under Rules I and II should vest in the District Excise Officers also. They accordingly direct that the words "the District Excise Officer" be inserted between the words "Amildar" and "or" in Rule IV.

4. Govt observe that the penalty for the breach of the rules referred to above can only be inflicted on conviction before a Mgistrate, but the - - offences can be compounded by a Forest

10

officers, if they fall under Section 59 of the Mysore Forest Regulation. It is however considered desirable that this power to compound offences in so far as they relate to the rules of the 1st May 1901 should be conferred on the District Excise Officers rather than on the officers of the Forest Deptt as the former are specially interested in the conservation of date groves. The necessary Notification for this purpose will be published in the Gazette.

5. In these circumstances there is no necessity for the issue of the Circular proposed by the Excise Commr.

Offg. Secretary to Govt.

To

The Excise Commissioner in Mysore.
The Conservator of Forests.
The Revenue Commissioner in Mysore
The Deputy Commissioners of Distts.

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Notification.

In excercise of the powers conferred by the Mysore Forest Regulation of 1900, and of all other powers enabling them in this behalf, the Govt. of H.H. the Maharaja are pleased to direct that the following amendments be made in the rules issued under Govt. Notification No.14550/Legis. 103 dated 1st May 1901 to regulate the cutting and removal of leaves from date trees and of dead date wood on lands at the disposal of Govt. other than State Forests:-

(1) The following shall be inserted as rule I A.

I A " No person shall cut or remove dead date wood or leaves from date trees except under a license obtained in accordance with the rules herein laid down".

(2). Clause ( c ) of rule II shall be deleted.

(3). The words " the District Excise Officer " shall be inserted between " Amildar " and " or " in line 2 of rule IV.

(4) The rules thus amended will read as follows:-

No. ಫ 8836 15
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Notification.

Under Section 59 of the Mysore Forest Regulation 1900, the Government of H.H. the Maharaja of Mysore are - - pleased to invest the District Excise Officers in the State with the power to compound offences as set forth in the aforesaid Section.

By Order,

Offg. Secretary to Govt.

To

The Compiler, Mysore Gazette, for publication in Part III thereof, with a request to send 50 copies to the Financial Branch of the G.R.S, ~~and~~ 250 copies to the Excise Commissioner and 100 copies to the Conservator of Forests.

No.

Copy to the Excise Commissioner.

No.

Copy to the Conservator of Forests.

K.R.
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*Proceedings of the Government of His Highness the Maharaja of Mysore, Financial (Separate Revenue), dated 25th August 1911.*

READ—

Letter No. 213, dated 5th July 1910, from the Excise Commissioner in Mysore, proposing to issue a circular in the matter of the unauthorised cutting and removal of leaves of date trees on Government lands, and suggesting that the rule issued under Notification No. 14550—Legis. 103, dated the 1st May 1901, may be so altered as to render such offences capable of being disposed of departmentally by the Deputy Commissioner.

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No. FL. 869-79—S. R. 8-10-2, DATED BANGALORE, 25TH AUGUST 1911.

ORDER THEREON.—Government consider that a general rule prohibiting the cutting and removal of leaves from date trees and of dead wood except under a license should be added to the rules issued under Notification No. 14550—Legis. 103, dated 1st May 1901 and they direct that the following be inserted as Rule I A.

"I A. No person shall cut or remove dead date wood or leaves from date trees except under a license obtained in accordance with the rules hereinafter laid down."

2. This amendment renders it unnecessary to retain clause (*c*) of Rule II, which will therefore be deleted.

3. Government also deem it necessary that the authority to issue licenses under Rules I and II should vest in the District Excise Officers also. They accordingly direct that the words "the District Excise Officer" be inserted between the words "Amildar" and "or" in Rule IV.

4. Government observe that the penalty for the breach of the rules referred to above can only be inflicted on conviction before a Magistrate, but the offences can be compounded by a Forest officer, if they fall under Section 59 of the Mysore Forest Regulation. It is however considered desirable that this power to compound offences in so far as they relate to the rules of the 1st May 1901 should be conferred on the District Excise Officers rather than on the officers of the Forest Department as the former are specially interested in the conservation of date groves. The necessary notification for this purpose will be published in the Gazette.

5. In these circumstances, there is no necessity for the issue of the circular proposed by the Excise Commissioner.

BALASUNDARAM IYER,
*Secy. to Govt., Gen. & Rev. Depts.*

To—The Excise Commissioner in Mysore.
The Conservator of Forests in Mysore.
The Revenue Commissioner in Mysore.
The Deputy Commissioners of Districts.

Exd.—C. V